

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In re: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

**DECLARATION OF BENJAMIN W.  
HULSE IN SUPPORT OF  
DEFENDANTS' MOTION TO  
DISMISS FOR FAILURE TO  
COMPLY WITH PRETRIAL ORDER  
NO. 14**

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Under 28 U.S.C. § 1746, I, Benjamin W. Hulse, hereby declare as follows:

1. I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys representing 3M Company ("3M") and Arizant Healthcare Inc. ("Arizant") (collectively "Defendants") in this litigation. I submit this declaration in support of Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

2. Attached as Exhibit A are true and correct copies of the deficiency letters I sent on the dates indicated to counsel for the Plaintiff identified in Part A of "Defendants' Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14."

3. Attached as Exhibit B is a true and correct copy of the third deficiency letter I sent on the date indicated to counsel for the Plaintiff identified in Part B of "Defendants' Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14."

4. Attached as Exhibit C is a true and correct copy of my March 9, 2018 email to the Court with “Defendants’ PFS List 1: Overdue Plaintiff Fact Sheets,” “Defendants’ PFS List 2: Plaintiffs Who Have Not Responded to Defendants’ Deficiency Notices,” and “Defendants’ PFS List 3: Core Deficiencies Remained Following Notice and Response” attached to same.

5. Attached as Exhibit D is a true and correct copy of my April 13, 2018 email to the Court with “Defendants’ PFS List 1: Overdue Plaintiff Fact Sheets,” “Defendants’ PFS List 2: Plaintiffs Who Have Not Responded to Defendants’ Deficiency Notices,” and “Defendants’ PFS List 3: Core Deficiencies Remained Following Notice and Response” attached to same.

6. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, this 3<sup>rd</sup> day of May, 2018.

*s/Benjamin W. Hulse*  
Benjamin W. Hulse